HIGH COURT OF UTTARNCHAL AT NAINITAL

Writ Petition no. 874 (M/B) 2006

1. Mohammad Ali S/o Sadulla,
2. Ahsan Ali S/o Mohammad Ali,
   Both resident of village- Ladokhi Patti-Ajmer Walla-3,
   Tehsil- Kotdwar, Distt. Pauri Garhwal. ----Petitioners.

Vs.

1. State of Uttaranchal through, Secretary
   Home Affairs, Uttaranchal, Dehradun,
2. District Magistrate, Pauri Garhwal,
3. Station House Officer/Patti Patwari Patti-
   Ajmer Walla-3, Tehsil Kotdwar, Pauri Garhwal,
4. Smt. Naseeban W/o Abdul Hamid,
   Resident of village Ladokhi Patti-Ajmer Walla-3,
   Tehsil- Kotdwar, Distt. Pauri Garhwal. ---- Respondents.

Sri Raman K. Shah, learned counsel for the petitioners.
Learned A.G.A. for the respondents.

Coram:- Hon'ble M.M. Ghildiyal, J.
Hon'ble B.S. Verma, J.

P.C.:-

By ways of this writ petition, a writ of certiorari has been sought for quashing of the impugned first information report dated 19.07.2006 lodged in case crime no. 1/2006, u/s 323, 427, 452, 504, 506 I.P.C. at the police station Udaipur Walla-3, Tehsil Kotdwar, District Pauri Garhwal.

2. Brief facts of the case are that a first information report was lodged by respondent no. 3 against the petitioner u/s 323, 427, 452, 504, 506 I.P.C. alleging therein that the petitioners voluntarily caused hurt, committed mischief and thereby caused loss and damage to the house under construction,

committed house-trespass for assaulting, gave provocation by hurling abuses and committed criminal intimidation.

3. Heard Sri Raman K. Shah, learned counsel for the petitioners and learned Assistant Govt. Advocate for the respondents and perused the record.

4. We are of the opinion that a prima-facie case, on the basis of the allegations made in the F.I.R., is made out against the petitioners at this stage.

5. We are not inclined to interfere with the investigation, as the evidence is still incomplete.

6. The writ petition lacks merit and is liable to be dismissed in limine.

7. However, in case if the petitioners apply for bail, the Court below shall consider the same as expeditiously as possible. With these observations, the writ petition is dismissed.

(B.S. Verma, J.) **(M.M. Ghildiyal, J.)**

July 26, 2006:

NCM: